

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LE' MON HORTON,)
Petitioner,)
v.) No. 4:07-CV-1785 CAS
TROY STEELE,)
Respondent.)

ORDER

This matter is before the Court on state prisoner Le'Mon Horton's action pursuant to 28 U.S.C. § 2254. This case was referred to United States Magistrate Judge Terry I. Adelman for report and recommendation on all dispositive matters and for final disposition on all non-dispositive matters, pursuant to 28 U.S.C. § 636(b).

On July 19, 2010, Judge Adelman filed a Report and Recommendation of United States Magistrate Judge which recommended that Horton's petition for writ of habeas corpus be denied. On July 27, 2010, the copy of the Report and Recommendation that had been mailed to Horton at his address of record at Southeast Correctional Center in Charleston, Missouri, had been returned as undeliverable. On the same day, the Clerk of the Court resent a copy of the Report and Recommendation to Horton at his current place of incarceration, Northeast Correctional Center in

Bowling Green, Missouri.¹ The resent copy was not returned to the Court as undeliverable. The Report and Recommendation gave petitioner fourteen (14) days to file objections.

No objections were filed to the Magistrate Judge's Report and Recommendation, and more than forty-five (45) days has passed since the Report and Recommendation was resent to petitioner at his correct address.

After careful review of the record, the Court concurs in the recommendation of the Magistrate Judge.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge is **sustained, adopted and incorporated** herein. [Doc. 14]

IT IS FURTHER ORDERED that Le'Mon Horton's Petition for Writ of Habeas Corpus pursuant to Title 28 U.S.C. § 2254 is **DENIED**. [Doc. 1]

IT IS FURTHER ORDERED that this matter is **DISMISSED**, with no further action to take place herein.

¹Local Rule 2.06(B) provides,

Every pro se party shall promptly notify the Clerk and all other parties to the proceedings of any change in his or her address and telephone number. If any mail to a pro se plaintiff or petitioner is returned to the Court without a forwarding address and the pro se plaintiff or petitioner does not notify the Court of the change of address within thirty (30) days, the Court may, without further notice, dismiss the action without prejudice.

E.D. Mo. L.R. 2.06(B). Petitioner did not comply with Local Rule 2.06(B) because he did not notify the Court or opposing counsel of his change of address.

An appropriate judgment will accompany this order.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 15th day of September, 2010.